

REMARKS

The Office Action dated December 23, 2003 has been fully considered by the Applicant. Claims 1, 3-6, 8 and 20 are currently canceled. Claims 9, 10, 14 and 19 have been currently amended. Claims 11 and 18 have been previously amended. Claims 2, 7, 12, 13, and 15-17 have been previously canceled.

Attached is a Three-Month Request for Extension of Time, along with a check to cover the Extension fee.

The claim objections have been addressed by the current amendments to the claims. Applicant is grateful to Examiner Hewitt for pointing out these informalities.

Claims 1, 3, 5, 6 and 8 have been rejected under 35 U.S.C. §102(b) as anticipated by United States Patent No. 3,757,705 to Maslow. Each of these claims is currently canceled.

Claims 4, 9-10, 14 and 19-20 have been rejected under 35 USC 103(a) as being unpatentable over the '705 Maslow patent in view of United States Patent No. 3,719,389 to Burton et al.

Claims 4 and 20 are currently canceled.

Applicant believes that currently amended independent claim 9 is patentable over the cited references. In the '705 Maslow patent there is disclosed the ability to provide a shelving system formed by provision of a first member, i.e. the shelf legs 12 into which are located, at a suitable height, first and second members 28 which form an insert. These are placed around member 12 and are secured in position on the member at the selected height. Once in position, a pre-formed conical sleeve 22 is slid onto the parts 28 and engages therewith. Thus, the mechanical joint of the '705 Maslow patent is completely different from that achieved in Applicant's invention, and the method for forming the joint is also completely different. In Applicant's invention, as detailed in currently

amended claim 9, the member that is required to be moved around the other member is provided with a single thickness band of material formed therein and said single band is located to one side of the other member. The portions of the member are then moved towards each other around the other member so as to form the mechanical joint. Thus, according to Applicant's invention, the presence and mutual location of the first and second members are required so that only when the two are located together can the member with the band of material be actually formed to a position to create a mechanical joint. This has the advantages of, firstly, no pre-forming is required to form a sleeve. The sleeve is formed around the other member and, thereby, ensures that a correct fit is achieved. Second, once the member with the band of material has been formed around the other member, the mechanical joint is created and no further forming operations are required. Applicant believes that the claims as herein currently amended are novel over the '705 Maslow patent and respectfully request reconsideration of the rejection.

In the '389 Burton et al patent there is no band of material provided in the member as in Applicant's invention. In the '389 Burton et al patent the section which is to be formed around the other member is heated and a mandrel is used to form a desired shape. In Applicant's invention, the other member is used as a former and, therefore, no mandrel is required. The forming operation which is required in the '389 Burton et al patent is not required in Applicant's invention.

Furthermore, in the '389 Burton et al patent, no band of material is formed on the member that is to be moved. Instead, in the '389 Burton et al patent, the section of the member which is to be placed around the other member is flattened by heat which leads to a bulbous shape. It can be easily seen that this can be achieved because the '389 Burton et al patent is only dealing with thermo plastic. In Applicant's invention, because the band of material is formed, the adjacent parts of that

member can be moved around the other member without the need for heating, and a simple application of force to the parts of the member adjacent to the band allows the same to be moved around the other member, which is used as a former, so that the mechanical joint can be achieved straight away.

Furthermore, Applicant's invention can be used on any form of material and is not confined to use with thermo plastic material, as the particular heating affects which are disclosed in '389 Burton et al patent are not required in Applicant's invention. Thus, the mechanical joint of Applicant's invention can be formed as any material as the provision of the band of material means that only the band is formed around the other member rather than the whole tubular member being required to be formed around the other member. It is therefore easy to see that Applicant's invention of providing the formation of the band of material in the member has a clear advantage over the cited references.

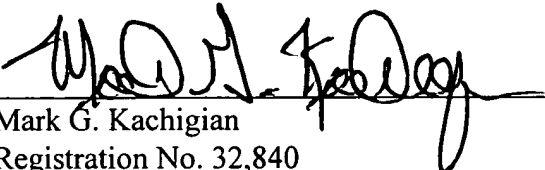
In summary, the Maslow '705 patent and the Burton et al '389 patent do not disclose or teach the invention as forth in claim 9. The remaining claims are dependent on claim 9 and are believed allowable for the same reasons are set forth herein. Applicant sincerely believes that the claims as currently amended are patentable over the cited references and respectfully requests reconsideration of the rejection.

Finally, it is untenable to combine the teaching of the Maslow '705 patent and the Burton et al '389 patent together to reach the present invention. Absent some suggestion or motivation supporting the combination of references, the references may not properly be combined. "The mere fact that references *can* be combined or modified does not render the resulting combination obvious unless the prior art suggests the desirability of the combination". M.P.E.P. Section 2143.01

(Emphasis in original). Further, it is necessary for the Examiner to set forth *evidence* that one of ordinary skill in the art would have been led to combine the teaching of the applied references. Accordingly, Applicant respectfully submits that claims 4 and 13 are allowable over the art of record.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', written over a horizontal line.

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